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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/982,511

10/17/2001

Drew Sarkisian

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7215

29395

7590

03/20/2006

EXAMINER

BOUTAH, ALINA A

H. DALE LANGLEY, JR.

THE LAW FIRM OF H. DALE LANGLEY, JR. PC

610 WEST LYNN

AUSTIN, TX 78703

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/982,511

Applicant(s)

SARKISIAN, DREW

Examiner

Alina N. Boutah

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 6-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to Applicant's amendment filed December 27, 2005. Claims 1, 6-16 are pending in the present application.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 27, 2005 has been entered.

### ***Oath/Declaration***

The Oath/Declaration is defective because provisional priority cannot be filed under 35 U.S.C. 120, but under 35 U.S.C. 119(e). Appropriate action is required.

### ***Drawings***

The drawings are acceptable for examining purposes only. New corrected drawings in compliance with 37 CFR 1.121(d) are required. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not define the abbreviation “CDPD” as claimed.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelman (USPN 6,415,329).

Regarding claim 1, a communication network, comprising:

a server computer, capable of communicating over a first communications link in accordance with a standard internet protocol (IP) and also capable of communicating over a

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second wireless communication link in accordance with a specialized internet protocol (IP) (figure 7: 134);

a client device, capable of communicating with the server computer over the second wireless communication link in accordance with the specialized internet protocol (IP) (figure 7: 132);

a program of the client device, operable with a standard form data for the program (figure 12: 260);

wherein the specialized internet protocol (IP) is capable of delivering a non-standard form data and the standard form data for receipt by the client device in communicating with the server computer over the second wireless communication link (figure 1);

a standard socket for receiving and delivering standard form data for use by the program (figure 1) ;

a specialized socket for receiving non-standard form data for use by the program, translating the non-standard form data to the standard form data, and delivering standard form data for use by the program (col. 7, lines 11-29); and

a switch for selecting either standard socket or the specialized socket, in communicating with the server computer by the client device, for receiving, respectively, the standard form data and the non-standard form data (col. 7, lines 11-29).

However, Gelman does not explicitly teach the hooking layer performing the mention steps at the client device. Instead, he discloses that the translation is being done at source and destination gateways (figures 1 and 7; col. 1, lines 12-47). At the time the invention was made,

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one of ordinary skill in the art would have been motivated to modify the teaching of Gelman by employing a hooking layer at the client device in order to minimize extra computer system, thus allowing direct connection between the client and the server, making the system run faster.

Regarding claim 6, Gelman teaches the wireless communications network of claim 1, wherein the wireless communications link carries a cellular packetized data for communications between the client device and the server (col.20, lines 44-59).

Regarding claim 7, Gelman teaches the wireless communications network of claim 1, wherein the wireless communication is a CDPD system (col.20, lines 44-59).

Regarding claim 8, Gelman teaches a method of wireless communications, wherein a client device communicates wirelessly with a server computer, and wherein the client device runs a standard program using a standard format data, comprising the step of:

serving a first information by the server computer to the client device according to a specialized protocol, the first information comprising a non-standard format data because of the specialized protocol (figure 7);

receiving the first information by the client device (figures 1 and 7);

determining that the first information comprises the non-standard format data (figures 1 and 7; col. 1, lines 12-47);

translating at the client device the non-standard format data to the standard data useable by the standard program (figures 1 and 7; col. 1, lines 12-47).

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However, Gelman does not explicitly teach the translation being done at the client device. Instead, he discloses that the translation is being done at source and destination gateways (figures 1 and 7; col. 1, lines 12-47). At the time the invention was made, one of ordinary skill in the art would have been motivated to modify the teaching of Gelman by employing a translation step at the client device in order to minimize extra computer system, thus allowing direct connection between the client and the server, making the system run faster.

Regarding claim 9, Gelman discloses the method of claim 8, wherein the step of translating includes the step of invoking non-standard dynamic link libraries (col. 4, lines 32-58; col. 7, lines 63-67 to col. 8, lines 1-10).

Regarding claim 10, the method of claim 9, wherein the step of creating a non-standard socket is included in the step selected from the group consisting of : receiving, determining, translating, and combinations thereof (col. 4, lines 32-58; col. 7, lines 63-67 to col. 8, lines 1-10).

Claims 11-12 are similar to claims 8-10, therefore are rejected under the same rationale.

Claims 13-16 are similar to claims 1 and 6. Therefore they are also rejected under the same rationale.

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***Conclusion***

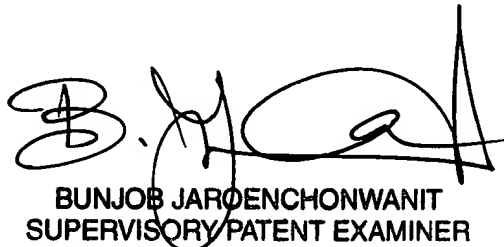
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER